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7 IN THE UNITED STATES DISTRICT COURT  
8 FOR THE DISTRICT OF ARIZONA  
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12 Frank D. Marcum, )  
13 Plaintiff, ) No. CIV-04-1824-PHX RCB  
14 vs. ) O R D E R  
15 Purdue Pharma Co., et. al., )  
16 Defendants. )  
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18 Before the Court are Plaintiff's Motion to Stay Proceedings  
19 filed July 13, 2005 (doc. # 136), and Plaintiff's Motion to  
20 Extend Time to Respond to Abbott's Motion for Summary Judgment  
21 filed July 22, 2005 (doc. # 143). Plaintiff claims to have  
22 suffered injuries as a result of using Defendants' painkiller  
23 OxyContin, and Plaintiff's counsel has petitioned the Judicial  
24 Panel on Multidistrict Litigation to create a multidistrict  
25 litigation case for similar OxyContin cases now pending in  
26 several districts. Based on the possibility that a  
27 multidistrict litigation case may be formed, Plaintiff's counsel  
28 now seeks to stay this suit until the Judicial Panel rules on

1 the petition before it. Mot. to Stay (doc. # 136) at p.1-3.  
2 Defendants have filed responses in opposition to Plaintiff's  
3 motion on July 28, 2005 (doc. ## 151-152).

4 The fact discovery deadline in this case has already  
5 passed, and although the continued oral deposition of Dr. John  
6 Porter remains scheduled for October 15, 2005 (doc. ## 173,  
7 175), nothing else suggests that a stay would result in a  
8 tremendous saving of the litigants' and counsels' resources, or  
9 would otherwise benefit the litigation process. Accordingly,  
10 Plaintiff's Motion to Stay Proceedings is denied at this time.  
11 The case will continue to be governed by the Scheduling Order  
12 entered December 8, 2004 (doc. # 104).

13 Plaintiff's Motion to Extend Time to Respond to Abbott's  
14 Motion for Summary Judgment is granted. Plaintiff shall file  
15 his response to Abbott's Motion for Summary Judgment within 30  
16 (thirty) days of the filing of this order.

17 Therefore,

18 IT IS ORDERED that Plaintiff's Motion to Stay Proceedings  
19 (doc. # 136) is DENIED.

20 IT IS FURTHER ORDERED that Plaintiff's Motion to Extend  
21 Time to Respond to Abbott's Motion for Summary Judgment (doc.  
22 # 143) is GRANTED.

23 IT IS FURTHER ORDERED that the deadline for Plaintiff to  
24 respond to Abbott's Motion for Summary Judgment (doc. # 143)

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1 shall be extended to 30 (thirty) days from the entry of this  
2 order.

3 DATED this 29th day of September, 2005.

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7 Robert C. Broomfield  
8 Senior United States District Judge

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Copies to counsel of record